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October 10, 2003

VIA ELECTRONIC FILING

Marlene H. Dortch, Secretary
Federal Communications Commission
The Portals
445 12th Street, S.W.
Washington, D.C. 20554

**Re: Notice of *Ex Parte* Meeting in WC 03-211, CC Docket No. 96-45, 98-171,
94-102, 01-92, IB Docket No. 99-67, GN Docket No. 00-185 and CS Docket
No. 02-52**

Dear Ms. Dortch:

Pursuant to Section 1.120(b)(2) of the Commission Rules, this letter serves to provide notice in the above-captioned proceedings of *ex parte* meetings with certain Commissioners and Federal Communications Commission staff. On October 9, 2003, the undersigned accompanied Jeffrey Citron, Chairman and CEO of Vonage Holdings Corp. ("Vonage"), to meet with the following people: Commissioner Kevin Martin, his Senior Legal Advisor Daniel Gonzalez and Jason Williams, Special Assistant to Commissioner Martin.

During the meeting Mr. Citron advised Commissioner Martin that the Federal District Court of Minnesota had issued a permanent injunction against the Minnesota Public Utilities Commission ("PUC") with respect to the PUC's finding that Vonage is a telephone company subject to PUC jurisdiction. At the time of the meeting, no written, formal opinion had yet been issued. Mr. Citron expressed concern that state PUCs are beginning to encroach upon regulation of the Internet and other information services.

During the meeting Mr. Citron clarified that Vonage's Petition for Declaratory Ruling does not seek to address matters related to Universal Service Fund or intercarrier compensation and that these matters can be resolved in independent proceedings. Mr. Citron clarified that

Vonage is not seeking to avoid contributions to the Universal Service Fund or avoid the payment of appropriate access charges. Although accused otherwise, he highlighted the fact that Vonage currently pays access charges and also contributes to the Universal Service Fund as an end-user. Mr. Citron stressed that Vonage is interested in working with the FCC to consider alternative contribution mechanisms appropriate for information services providers.

The parties also discussed the possible impact of the *Brand-X* decision on the deployment of VoIP. On this matter, Vonage highlighted the court's citations to the FCC's frame relay decisions and noted that the opinion, as well as these earlier FCC decisions, provide clear support for the conclusion that voice over Internet services offered over facilities provided by a third-party are information service applications.

Mr. Citron also provided an update on Vonage's continued work and investment in VoIP 911 solutions. Mr. Citron emphasized that competition and the free market is driving Vonage to solve these difficult issues. He noted that Vonage is actively working directly with PSAP administrators. He also noted that VoIP providers can not comply with the same E911 requirements applicable to fixed, circuit switched carriers.

Pursuant to Section 1.1206(a)(i) of the Commission's Rules, an original and one copy for each docket of this letter are being submitted to the Secretary for filing in the above-referenced proceeding.

Sincerely,

/s/

William B. Wilhelm, Jr.

cc: Kevin Martin, Commissioner
Daniel Gonzalez, Senior Legal Advisor
Jason Williams, Special Assistant to Commissioner Martin
Jeffrey Citron, Vonage Holdings Corp.
Ronald W. Del Sesto, Jr., Swidler Berlin Shereff Friedman, LLP